

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

DONALD L. BLANKENSHIP,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

)
)
)
)
)
)
)
)
)
)

**Civil Action No. 5:18-00591
(Criminal Action No. 5:14-00244)**

ORDER

Pending before the Court is the United States’ “Motion for Extension of Time to Respond” (Document No. 673), filed on May 25, 2018, by Kate K. Smith, Assistant United States Attorney. The Motion seeks a ten-day extension of time in which to file a Response to Movant’s “Motion for *In Camera* Review” (Document No. 669). In support, AUSA Smith states that on May 22, 2018, the United States Attorney’s Office for the Southern District of West Virginia was recused from defending the Section 2255 Motion. (*Id.*) AUSA Smith explains that she was “sworn in to represent the United States in this matter” on May 25, 2018. (*Id.*) AUSA Smith, therefore, states that a short extension of time is necessary “to transfer the necessary files from the Southern District of West Virginia to the Eastern District of Kentucky, and to review the relevant documents, the privilege logs, and the privilege claims asserted by the Department of Labor.” (*Id.*) For good cause shown, it is hereby **ORDERED** that the United States’ Motion (Document No. 673) is **GRANTED**. The United States shall file a Response to Movant’s “Motion for *In Camera* Review” by **June 14, 2018**. The Movant may, if he wishes, file a Reply to the United States’ Response by **June 21, 2018**.

Based on the foregoing, the undersigned finds it appropriate to allow Movant an extension

of time to file his Memorandum in Support of his Section 2255 Motion.¹ Accordingly, it is hereby **ORDERED** that Movant shall file his Memorandum in Support of his Section 2255 Motion **no later than 30 days after the undersigned enters an Order on Movant's pending "Motion for In Camera Review."** The United States is **ORDERED** to file an Answer to the allegations contained in the Movant's Section 2255 Motion **no later than 45 days after the filing of Movant's Memorandum in Support.** The Movant may, if he wishes, file a Reply or Objections to the United States' Answer **within 14 days after the filing of the Answer.**

The Clerk is requested to transmit a copy of this Order to counsel of record.

ENTER: May 29, 2018.



Omar J. Aboulhosn
United States Magistrate Judge

¹ In his "Motion for In Camera Review," Movant states that "he has a June 4 deadline to submit his Memorandum in Support of Motion to Vacate." (Document No. 669, p. 4.) Movant states that "[d]ue to the privilege claims, he is currently unable to argue the merits of a significant number of relevant documents in that Memorandum." (*Id.*)